Expedited Bill No. 30-09
Concerning: Personnel - Retirement -
Guaranteed Retirement Income Plan -
Retirement Savings Plan
Revised: <u>September 16, 2009</u> Draft
No4
Introduced: July 28, 2009
Enacted: September 22, 2009
Executive:
Effective:
Sunset Date: None
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# COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

#### **AN EXPEDITED ACT to:**

- (1) permit certain non-represented public safety employees to participate in the Guaranteed Retirement Income Plan;
- (2) eliminate the distinction between disability benefits for highly compensated employees and non-highly compensated employees under the Retirement Savings Plan:
- (3) establish default beneficiaries for participants in the Retirement Savings Plan; and
- (4) generally amend the retirement laws.

### By amending

Montgomery County Code Chapter 33, Personnel and Human Resources

Sections 33-35, 33-37, 33-39, 33-40, 33-43, <u>33-52</u>, 33-113, 33-115, <u>33-119</u>, 33-120, 33-128, 33-131

Boldface
Underlining
Added to existing law by original bill.

[Single boldface brackets]
Double underlining
Added by amendment.

[[Double boldface brackets]]

\* \* \* \*

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1	Sec. 1. Se	ctions 33-35, 33-37, 33-39, 33-40, 33-43, <u>33-52,</u> 33-113, 33-115,
2	<u>33-119,</u> 33-120,	33-128, 33-131 are amended as follows:
3	33-35. Definitio	ns.
4	In this Article, th	e following words and phrases have the following meanings:
5		* * *
6	<u>Public</u> <u>saf</u>	ety employee: An employee who is a:
7	<u>(1)</u>	sworn officer of the [[Montgomery County]] Police
8		Department;
9	<u>(2)</u>	paid firefighter, [[a]] paid fire officer, or [[a]] paid rescue
10		service worker of the Montgomery County [[Department of]]
11		Fire and Rescue [[Services]] Service;
12	<u>(3)</u>	sworn [[Montgomery County]] deputy sheriff;
13	<u>(4)</u>	[[Montgomery County]] correctional officer; or
14	<u>(5)</u>	[[Montgomery]] County employee who provides services to a
15		correctional facility and designated as a public safety employee
16		by the Chief Administrative Officer.
17		* * *
18	<b>33-37.</b> Member	ship requirements and membership groups.
19		* * *
20	(f) Men	nbership groups and eligibility. Any full-time or part-time
21	emp	loyee is eligible for membership in the appropriate membership
22	grou	up outlined below if the employee meets all of the requirements
23	for t	the group:
24		* * *
25	(5)	Group F: sworn police officers.
26		(A) A group F member who has reached elective early
27		retirement date may retain membership in group F if the

28		member is transferred from the position that qualified the
29		member for group F membership.
30 (	B)	A group F member who is temporarily transferred from
31		the position that qualified the member for group F
32		membership may retain membership in group F as long
33		as the temporary transfer from the group F position does
34		not exceed 3 years.
35 (0	C)	Notwithstanding the foregoing provisions in group F, ar
36		employee who is eligible for membership in group F
37		must participate in the retirement savings plan under
38		Article VIII or the guaranteed retirement income plan is
39		the employee:
40		(i) [(a)] begins, or returns to, County service on or
41		after October 1, 1994 (except as provided in the
42		last sentence of subsection (e)(2));
43		(ii) [(b)] is not represented by an employee
44		organization; and
45		(iii) [(c)] does not occupy a bargaining unit position.[
46		or]
47 (	<u>D)</u>	An employee who is eligible for membership in group E
48		must participate in the retirement savings plan under
49		Article VIII if the employee:
50		(i) [(ii) (a)] begins County service on or after October 1
51		1994; and
52		(ii) [(b)] is subject to the terms of a collective
53		bargaining agreement between the County and ar

54				empl	oyee organı	zation	that requ	uires the	employee
55				to par	rticipate in t	he retir	rement sa	avings pl	an.
56		[D] <u>(E)</u>		*	*		*		
57	(6)	Group (	G: A	ny pai	id firefighter	r, paid	fire offic	er, and p	oaid rescue
58		service	pers	sonnel	l. Any grou	up G	member	who ha	ıs reached
59		normal	retin	emen	t may retain	n mem	bership	in group	G if the
60		member	r trar	nsfers	from the po	sition v	which qu	alified th	ne member
61		for gro	oup	G. A	ny group	G me	mber w	ho is to	emporarily
62		transfer	red	from	the position	which	qualific	ed the m	ember for
63		Group	G m	ay re	tain membe	ership i	n group	G as lo	ong as the
64		tempora	ary tı	ransfe	r from the g	roup G	position	does no	ot exceed 3
65		years.							
66		( <u>A</u> ) N	lotw:	ithstar	nding the fo	oregoir	ng provi	sions in	group G,
67		a	ny e	mploy	vee who is el	ligible	for mem	bership i	n group G
68		n	nust	partic	cipate in th	e retir	ement s	avings p	olan under
69		A	Articl	e VIII	I if the empl	oyee:			
70		[(	(A)	(i)	begins, or	return	s to, Co	unty ser	vice on or
71				after	October 1,	1994	(except	as provi	ded in the
72				last s	entence of s	ubsecti	on (e)(2)	));	
73		(i	ii)	is no	ot represente	ed by	an empl	oyee org	ganization;
74		a	nd						
75		(i	iii)	does	not occupy	a barga	ining un	it positio	on; or
76		(]	B)]	(i)	begins Cou	unty se	rvice on	or after	October 1,
77		1	994;	and					
78		(i	ii)	is su	bject to the	terms	of a co	llective	bargaining
79		a	gree	ment	between t	the Co	ounty a	and an	employee

80				organ	ization which	requires	s the emp	oloyee to	o partici	ipate
81				in the	retirement sav	vings pla	ın.			
82			<u>(B)</u>	An en	nployee who i	s eligibl	e for men	mbership	o in grou	up G
83				<u>must</u>	participate in	the re	<u>tirement</u>	savings	<u>plan</u> <u>u</u>	nder
84				<u>Artic</u>	e VIII or the g	<u>guarantee</u>	ed retiren	nent inco	me plan	<u>if:</u>
85				<u>(i)</u>	the employee	begins,	or return	s to, Co	ounty ser	rvice
86					on or after O	ctober 1	<u>, 1994 (e</u>	xcept as	provide	ed in
87					the last senter	nce of su	bsection	<u>(e)(2));</u>	[[ <u>and]]</u>	
88				<u>(ii)</u>	is not repres	ented by	y <u>an</u> em	<u>ployee</u> c	organiza	tion;
89					<u>and</u>					
90				<u>(iii)</u>	does not occu	ıpy <u>a</u> bar	gaining <u>u</u>	ınit posit	tion.	
91				*	*		*			
92	(k)	Elect	ion to j	oin the	e guaranteed re	etiremen	t income	plan.		
93				*	*		*			
94		(3)	[A] <u>A</u>	n elig	gible full-time	employ	ee hired	on or a	after Jul	ly 1,
95			2009	and a	part-time or te	mporary	employe	e who b	ecomes	full-
96			time o	on or	after July 1, 2	2009 wh	o does n	ot partic	cipate ir	n the
97			retirer	nent	savings plan	[and v	vho is n	ot a p	ublic sa	afety
98			emplo	yee,	as defined in	Section	n 33-113	3(o)], m	ay elec	ct to
99			partici	ipate	in the guarar	nteed re	tirement	income	plan.	An
100			eligib	le emp	oloyee must m	ake an i	rrevocabl	e electio	on during	g the
101			first 1	50 day	s of full-time	employ	ment. If	an eligib	ole empl	oyee
102			elects	to p	articipate, par	rticipatio	on must	begin o	on the	first
103			[payro	oll] <u>pa</u>	y period after	an empl	oyee has	complet	ted 180	days

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of full-time employment. An employee who does not

participate in the guaranteed retirement income plan must

participate in the retirement savings plan beginning on the first

[payroll] <u>pay period</u> after the employee completes 180 days of full-time employment.

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- (4) [A] An eligible part-time or temporary employee hired on or after October 1, 1994 who does not participate in the retirement savings plan [, and who is not a public safety employee as defined in Section 33-113(o),] may make a one time irrevocable election to participate in the guaranteed retirement income plan after the employee completes at least 150 days of employment. Participation must begin on the first full [payroll] pay period beginning 30 days after the employee makes the election.
- An eligible full-time or part-time public safety employee hired (5) on or after October 1, 1994 and before January 1, 2009 who participates in the retirement savings plan may make a one time irrevocable election to terminate participation in the retirement savings plan and participate in the guaranteed retirement income plan, effective the first full pay period after [[October 1,]] December 31, 2009. An employee must make this election between [[June 30, 2009 and September 1, 2009]] October 1, 2009 and December 1, 2009. An employee who makes this election must have his or her retirement savings plan account balance transferred to the guaranteed retirement income plan. The amount transferred into the guaranteed retirement income plan must become the participant's initial guaranteed retirement income plan account balance. An employee who does not make this election must continue to participate in the retirement savings plan.

134	33-39. Mei	mber Contr	ibutions and cree	lited inter	est.	
135	(a)	Member co	ontributions. Each	member	of the retirement syste	em must
136		contribute	a portion of the m	nember's re	egular earnings through	ı regulaı
137		payroll ded	uctions.			
138			*	*	*	
139		(4) Men	lber contribution	s to the	guaranteed retirement	income
140		plan.				
141		(A)	A non-public sa	fety emplo	oyee member in the gu	aranteed
142			retirement inco	me plan n	nust contribute 4% of	regular
143			earnings less th	an or equa	al to the Social Securi	ty wage
144			base and 8% or	f regular e	arnings that exceed th	e Social
145			Security wage b	ase.		
146		<u>(B)</u>	A public safet	<u>employe</u>	e member in the gu	aranteed
147			retirement inco	me plan n	nust contribute 3% of	<u>regular</u>
148			earnings less th	an or equa	al to the Social Securi	ty wage
149			base and 6% or	f <u>regular e</u>	arnings that exceed th	e Social
150			Security wage b	ase.		
151		[(B)]	<u>(C)</u> *	*	*	
152		[(C)]	<u>(D)</u> *	*	*	
153	(b)	Credited in	terest.			
154			*	*	*	
155		(5) A m	ember of the g	uaranteed	retirement income pla	an must
156		recei	ve credited intere	est at [a] <u>a</u>	n annual rate of 7.25%	6 on the
157		mem	ber's contribution	ns in the m	ember's guaranteed re	tiremen
158		inco	ne plan account.	If the annu	<u>ual</u> 7.25% interest rate	does not
159		comp	oly with applicabl	e law, the	third segment rate desc	cribed ir

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Internal Revenue Code Section 430(h)(2)(G) or any successor

provision must apply. Interest must be credited to a member's guaranteed retirement income plan account balance on a monthly basis as of the last day of the month.

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# 33-40. Employer Contributions.

- (e) Guaranteed retirement income plan.
  - (1) Each pay period, the County must credit to each <u>non-public</u> <u>safety</u> member's guaranteed retirement income plan account an amount equal to 8% of the member's regular earnings. Interest must be credited at [a] <u>an annual</u> rate of 7.25% on the County contribution credits. If the <u>annual</u> 7.25% interest rate does not comply with applicable law, the third segment rate described in Internal Revenue Code Section 430(h)(2)(G) or any successor provision must apply. Interest must be credited to a member's guaranteed retirement income plan account balance on a monthly basis as of the last day of the month.
  - Each pay period, the County must credit to each public safety member's guaranteed retirement income plan account an amount equal to 10% of the member's regular earnings.

    Interest must be credited at an annual rate of 7.25% on the County contribution credits. If the annual 7.25% interest rate does not comply with applicable law, the third segment rate described in Internal Revenue Code Section 430(h)(2)(G) or any successor provision must apply. Interest must be credited to a member's guaranteed retirement income plan account balance on a monthly basis as of the last day of the month.

188		[(2)] <u>(3)</u> *		*	*		
189			*	*	*		
190	33-43. Dis	ability Retiren	ent.				
191			*	*	*		
192	(n)	Guaranteed re	tirement i	ncome plan.	Subsections	s (a)-(m) do no	ot apply
193		to a participar	it in the gu	aranteed ret	rirement incom	me plan.	
194		(1) Non-pu	blic safety	employees	. If a <u>non-p</u> ı	ublic <u>safety</u> en	nployee
195		particip	ant incurs	a disability	y before term	nination from	County
196		employ	ment which	ch makes th	ne participant	unable to eng	gage in
197		any su	bstantial g	gainful activ	vity by reaso	on of any me	edically
198		determi	nable phy	sical or m	nental impair	ment which	can be
199		expecte	d to resu	lt in death	or which h	nas lasted or	can be
200		expecte	d to last	for a contin	nuous period	of not less t	than 12
201		months	, the disal	oled particij	pant must re	main a partici	pant in
202		the gua	aranteed r	etirement in	ncome plan	under the fol	llowing
203		rules:					
204		$[(1)]\underline{(A)}$	<u>)</u> All	amounts	credited to	the partic	cipant's
205		g	uaranteed	retirement	income plan	n account, in	cluding
206		<u>C</u>	County cor	ntributions,	are 100% ve	sted regardless	s of the
207		p	articipant'	s credited se	ervice.		
208		[(2)] <u>(B</u> )	<u>The</u>	participant 1	must particip	ate in the gua	ranteed
209		r	etirement	income pla	an under th	is Section ur	ntil the
210		p	articipant	dies, reach	nes his or he	er normal ret	irement
211		d	ate, or rec	overs from t	the disability.		
212		[(3)] <u>(C</u>	<u>In d</u>	etermining	the credited	amount of	County
213		c	ontribution	ns under	Section 33-4	40, the partic	cipant's
214		r	egular ea	rnings me	eans the re	egular earning	gs the

215		participant would have received for the year if the
216		participant were paid for the full year at the rate of
217		compensation paid in the pay period immediately before
218		the participant became disabled.
219	[(4)](	D) The participant must not receive a distribution
220		during any period in which the participant receives a
221		County contribution credit.
222	[(5)](	E) The participant must not make member
223		contributions under Section 33-39 during the disability
224		participation.
225 (	2) Publi	c Safety Employees. If a public safety employee
226	partic	<u>sipant</u> incurs a disability before retirement or other
227	separ	ation from service which, in the opinion of a physician
228	select	ted or approved by the Chief Administrative Officer.
229	rende	rs the participant unable to perform duties satisfactorily
230	for th	e employment the participant held with the County before
231	the di	isability, the participant's employment and participation in
232	the g	uaranteed retirement income plan must be terminated and
233	deem	ed a disability retirement under the following rules:
234	<u>(A)</u>	All amounts credited to the participant's guaranteed
235		retirement income plan account, including County
236		contributions, are 100% vested regardless of the
237		participant's years of credited service.
238	<u>(B)</u>	The Chief Administrative Officer must determine the
239		date on which a disability retirement is effective. After a
240		participant submits a properly completed distribution
241		form, the Chief Administrative Officer must distribute

242		the value of the former participant's account balance to
243		the former participant under this Section.
244		* *
245 246 247	33-52. Pay	yment of benefits.  * * *
248	(b)	Discontinuance of pension payments. A member must not receive
249		pension payments while serving in an appointed or elected County
250		office that receives any compensation paid by the County. A member
251		appointed to a full-time County position must become a member of
252		the retirement system or the Retirement Savings Plan under Sections
253		33-37 and 33-115 and make member contributions until later
254		separation under Article III or Article VIII. The retirement benefit of
255		an employee who resumes membership in the optional or integrated
256		plan must be recalculated when the employee later separates from
257		service. The retirement benefit under the integrated or optional plans
258		of Article III of an employee who becomes a member of the
259		Retirement Savings Plan or the guaranteed retirement income plan
260		must resume when the employee later separates from service.
261		* * *
262	33-113. De	efinitions.
263		* * *
264	(o)	Public safety employee means any employee who is <u>a</u> :
265		(1) [a] sworn officer of the [[Montgomery County]] Police
266		Department;
267		(2) [a] paid firefighter, [[a]] paid fire officer, or [[a]] paid rescue
268		service worker of the Montgomery County [[Department of]]
269		Fire and Rescue [[Services]] Service;

270		(3)	[a] sworn [[Montgomery County]] deputy sheriff;
271		(4)	[a] [[Montgomery County]] correctional officer; or
272		(5)	[a] [[Montgomery]] County [correctional staff member if]
273			employee who provides services to a correctional facility and
274			designated as a public safety employee by the Chief
275			Administrative Officer.
276			* * *
277	33-115. Pa	articip	ant requirements and participant groups.
278	(a)	Part	icipant Requirements.
279			* * *
280		(7)	Election to participate in the guaranteed retirement income
281			plan.
282			(A) An eligible full-time employee hired on or after July 1,
283			2009 and a part-time and temporary employee who
284			becomes full-time after July 1, 2009[, who is not a public
285			safety employee,] may participate in the guaranteed
286			retirement income plan. An eligible employee must
287			make a one time irrevocable election during the first 150
288			days of employment. If an eligible employee elects to
289			participate, participation must begin on the first [payroll]
290			pay period after an employee has completed 180 days of
291			full-time employment. A full-time employee who does
292			not elect to participate in the guaranteed retirement
293			income plan must participate in the retirement savings
294			plan beginning on the first [payroll] pay period after the
295			employee has completed 180 days of full-time
296			employment.

297			(B)	An eligible part-time or temporary employee hired on or
298				after October 1, 1994 who is not a participant in the
299				retirement savings plan[, and who is not a public safety
300				employee,] may make a one time irrevocable election to
301				participate in the guaranteed retirement income plan any
302				time after the employee has completed 150 days of
303				employment.
304	(b)	Part	icipant	s groups and eligibility.
305				* * *
306		(2)	Grou	p II.
307			(A)	Except as provided in the last sentence of Section 33-
308				37(e)(2), [any] <u>a</u> full-time or career part-time employee
309				must participate in the retirement savings plan if the
310				employee begins, or returns to, County service on or after
311				October 1, 1994; and
312				[(i) (a) is not represented by an employee
313				organization;
314				(b) does not occupy a bargaining unit position; and
315				(c) is a public safety employee; or]
316				(i)[(ii)(a)] is a public safety employee; and
317				(ii)[(b)] is subject to the terms of a collective
318				bargaining agreement between the County and an
319				employee organization which requires the
320				employee to participate in the retirement savings
321				plan.
322			(B)	A member of the Police Bargaining Unit may transfer to
323				Group II of the retirement savings plan if the employee

324			has accumulated enough credited service to obtain the
325			maximum retirement benefit under the optional or
326			integrated plan.
327		<u>(C)</u>	Except as provided in the last sentence of Section 33-
328			37(e)(2), a full-time or career part-time employee must
329			participate in the retirement savings plan or the
330			guaranteed retirement income plan if the employee
331			begins, or returns to, County service on or after October
332			1, 1994; and
333			(i) is not represented by an employee organization;
334			(ii) does not occupy a bargaining unit position; and
335			(iii) is a public safety employee.
336	(c)	Transfers.	
337			* * *
338		(4) Tran	sfer to the guaranteed retirement income plan.
339			* * *
340		<u>(C)</u>	A full-time or part-time employee hired on or after
341			October 1, 1994 and before January 1, 2009 who
342			participates in the retirement savings plan, and who is a
343			public safety employee not represented by an employee
344			organization and does not [[occupying]] occupy a
345			bargaining unit position, may make a one-time
346			<u>irrevocable</u> <u>election</u> <u>to</u> <u>terminate</u> <u>participation</u> <u>in</u> <u>the</u>
347			retirement savings plan and participate in the guaranteed
348			retirement income plan effective the first full pay period
349			after [[October 1,]] December 31, 2009. An employee
350			must make this election between [[June 30, 2009 and

September 1, 2009]] October 1, 2009 and December 1,

2009. An employee who elects to terminate participation
in the retirement savings plan must have his or her
account balances transferred to the guaranteed retirement
income plan. An employee who does not make this
election must continue to participate in the retirement
savings plan.

## 33-119. Credited service.

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A participant's credited service is the total County service the (a) participant rendered under the Retirement Savings Plan, the optional retirement plan, [[and]] the integrated plan, and the guaranteed retirement income plan. A participant must receive credited service for any period when the participant was a part-time employee contributing to an employer-supported savings program provided by a participating agency. An employee hired before July 1, 2009 must receive 1 year of credited service for each year of County service. Each year of County service ends on the anniversary of the date the participant starting working for the County. An employee hired on or after July 1, 2009 must receive one year of credited service for each year of participation in a County retirement plan. A person who transferred to the Retirement Savings Plan under Section 115(a)(3) or (4) must receive credit for County service for creditable State service earned as a State employee of the County Department of Social Services. A person who does not transfer to the Retirement Savings Plan under Section 115(a)(3) must not receive credit for County service for this State service.

## 33-120. Distribution of Benefit.

- (b) Disability Benefits.
  - (1) Public Safety Employees. If a participant who is a public safety employee incurs a disability before retirement or other separation from service which, in the opinion of a physician selected or approved by the Chief Administrative Officer, renders the participant unable to perform duties satisfactorily for the employment the participant held with the County before the disability, the participant's employment and participation in the retirement savings plan must be terminated and deemed a disability retirement[.] under the following rules:
    - (A) [In the event of a public safety participant's disability retirement, all] All amounts credited to the participant's retirement savings plan account, including County contributions, [account] are 100% vested regardless of the participant's years of credited service.
    - (B) The Chief Administrative Officer must determine the date on which a disability retirement is effective. After the participant submits a properly completed distribution form, [The] the Chief Administrative Officer must distribute the value of the former participant's account balances to the former participant under this Section.
  - [(2) Highly compensated, non-public safety employees. If a participant who is a non- public safety employee and who is a highly compensated employee under the Internal Revenue Code incurs a disability before retirement or other separation from

service which, in the opinion of a physician selected or approved by the Chief Administrative Officer, renders the participant unable to perform duties satisfactorily for the employment the participant held with the County before the disability, the participant's employment and participation in the retirement savings plan must be terminated and deemed a disability retirement.] **[(A)** In the event of a highly compensated, non-public safety 

- [(A) In the event of a highly compensated, non-public safety participant's disability retirement, all amounts credited to the County contributions account are 100% vested regardless of the participant's years of credited service.]
- [(B) The Chief Administrative Officer must determine the date on which a disability retirement is effective. The Chief Administrative Officer must distribute the value of the former participant's account balances to the former participant under this Section.]
- [(3)] (2) [Non-highly compensated, non-public] Non-public safety employees. If a participant who is a non-public safety employee [and who is not a highly compensated employee under the Internal Revenue Code] incurs a disability before retirement or other separation from service which makes the participant unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months, the disabled participant must remain a

431		parti	cipant in the retirement savings plan under the following
432		rules	:
433		(A)	All amounts credited to the participant's retirement
434			savings account, including County contributions,
435			[account] are 100% vested regardless of the participant's
436			years of credited service.
437		(B)	The participant must remain a participant in the
438			retirement savings plan under this Section until the
439			participant dies, reaches his or her normal retirement
440			date, or recovers from the disability.
441		(C)	In determining the amount of the County contribution
442			under Section 33-117, the participant's regular earnings
443			means the regular earnings the participant would have
444			received for the year if the participant was paid for the
445			full year at the rate of compensation paid in the pay
446			period immediately before the participant became
447			disabled.
448		(D)	The participant must not receive a distribution during any
449			period in which the participant receives a County
450			contribution.
451		(E)	The participant must not make participant contributions
452			under Section 33-116 during the period of disability
453			participation in the retirement savings plan.
454	(c)	Death Bene	efits.
455			* * *
456		(3) <u>A</u> pa	rticipant may name a primary beneficiary or beneficiaries
457		and o	contingent beneficiary or beneficiaries on a designation of

458		beneficiaries form filed with the Office of Human Resources.
459		If a participant names 2 or more persons as beneficiaries, the
460		persons are considered co-beneficiaries and share the benefit
461		equally unless the participant specifies otherwise on the
462		designation of beneficiaries form. A participant may change
463		any named beneficiary by completing a new designation of
464		beneficiaries form. The consent of the beneficiary or
465		beneficiaries is not required to name or change a beneficiary.
466		The designation is effective when the participant signs the form
467		even if the participant is not [[living]] alive when the Office
468		receives the request, but without prejudice for any payments
469		made before the Office received the request.
470	<u>(4)</u>	If a participant dies without designating a surviving beneficiary
471		or the designation is not enforceable under subsection (5), the
472		surviving spouse or domestic partner (or if there is no surviving
473		spouse or domestic partner, each surviving child, sharing
474		equally with any other surviving child) is the designated
475		beneficiary. If no spouse, domestic partner, or child survives a
476		participant who left no enforceable beneficiary designation, the
477		participant's estate is the designated beneficiary.
478	<u>(5)</u>	For purposes of this Section, a beneficiary designation is not
479		enforceable if:
480		(A) the designated beneficiary:
481		(i) predeceases the member;
482		(ii) <u>disclaims</u> the benefit; or
483		(iii) is not an identifiable person; or
484		(B) the designation is legally void for any reason.

485		* * *					
486							
487	33-128. Definitions.						
488		* *					
489	(q)	Public safety employee means any employee who is a:					
490		(1) sworn, ranking officer of the [[Montgomery County]] Police					
491		Department;					
492		(2) paid firefighter, paid fire officer, or paid rescue service					
493		employee of the Montgomery County [[Department of]] Fire					
494		and Rescue [[Services]] <u>Service</u> ;					
495		(3) sworn deputy sheriff;					
496		(4) [[Montgomery County]] correctional officer; or					
497		(5) [[Montgomery]] County employee [correctional facility staff					
498		member, if] who provides services to a correctional facility and					
499		designated as a public safety employee by the Chief					
500		Administrative Officer.					
501		* * *					
502	502 <b>33-131. Amount of benefits.</b>						
503		* * *					
504	(b)	Non-service-connected disability. The annual amount of the non-					
505		service-connected disability benefit payment equals 2 percent of the					
506		employee's final earnings, multiplied by the number of years of					
507		credited service earned under <u>Section</u> <u>33-41</u> <u>or</u> Section 33-119.					
508		However the benefit must be at least 30 percent of the employee's					
509		final earnings, but no more than 60 percent of the employee's final					
510		earnings, less any reductions provided in Section 33-134.					
511		* * *					

\*

\*

512	Sec. 2. Effective Date.				
513	The Council declares that this legislation is necessary for the immediate				
514	protection of the public interest. This A	ct takes effect on the date on which it			
515	becomes law.				
516					
517	Approved:				
518					
519					
	Philip M. Andrews, President, County Council	Date			
520	Approved:				
521					
	Isiah Leggett, County Executive	Date			
522	This is a correct copy of Council action.				
523					
	Linda M. Lauer, Clerk of the Council	Date			